

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-6 are pending in the application.

The Examiner rejected Claims 1 and 6 under 35 U.S.C. §103(a) as being unpatentable over WO 00/69190 to *Dailey* in view of U.S. Patent Nos. 6,760,393 to *Alisobhani et al.* (hereinafter *Alisobhani*), 5,966,378 to *Hamalainen*, and 6,301,231 to *Hassan et al.* (hereinafter *Hassan*). The Examiner rejected Claims 2-5 under 35 U.S.C. §103(a) as being unpatentable over *Dailey* in view of *Alisobhani*, *Hamalainen* and *Hassan* as applied to Claim 1, and further in view of U.S. Patent No. 6,467,059 to *Ohashi*.

As to the §103(a) rejection of Claims 1 and 6, Applicant respectfully traverses.

Regarding Claim 1, the Examiner alleged that *Dailey* discloses determining whether communication is needed between at least two MSs (137a, 137b', Fig. 6) located in a service area of one BTS (132a, Fig. 6), if the communication between at least two MSs is needed, assigning one common half duplex channel to the at least two MSs (page 16, ln. 26 – page. 17, ln. 25), all of which is recited in Claim 1. However, although *Dailey* appears to show two MSs located in a service area of one BTS, it is respectfully asserted that *Dailey* never actually determines whether communication is needed between the two MSs, as recited in Claim 1. The Examiner cited Fig. 6, but this figure does not disclose the determination step at issue. Furthermore, the Examiner's rejection does not state why it would have been obvious in *Dailey* to make this determination recited in Claim 1.

In addition, the Examiner asserted that *Hassan* teaches adding to the data a header indicating a called terminal of corresponding data. In contrast, Claim 1 as amended recites adding a header indicating a receiver of a corresponding data block to each data block of the data, if data is transmitted to the at least two MSs over a downlink channel of the half-duplex data channel.

Regarding Claim 6, the Examiner alleged that *Dailey* discloses determining whether the callee MS (137b', Fig. 6) is located in a service area of one BTS (132a, Fig. 6) connected to caller MS (137a, Fig. 6), as recited in Claim 6. However, although *Dailey* appears to show two MSs located in a service area of one BTS, it is respectfully asserted that *Dailey* never actually determines whether the callee MS is located in a service area of one BTS connected to caller MS. Fig. 6 cited by the Examiner fails disclose the determination step at issue, and it is respectfully asserted that the Examiner's rejection does not state why it would have been obvious in *Dailey* to make this determination recited in Claim 6.

For at least the foregoing reasons, and since the secondary references do not cure the stated deficiencies in *Dailey*, it is respectfully submitted that the §103(a) rejection of Claims 1 and 6 fails to establish the requisite *prima facie* obviousness, and therefore should be withdrawn. Withdrawal of the same is respectfully requested.

As to the §103(a) rejection of Claims 2-5, Applicant respectfully submits that this rejection should also be withdrawn at least in view of the arguments above with respect to the rejection of Claims 1 and 6 and further, since *Ohashi* fails to cure the stated deficiencies in *Dailey*. Moreover, *Ohashi* adopts a method of half-duplex data transmission performing transmission and reception alternately, so that *Ohashi* cannot transmit data packets in a receiving state of data. Thus, *Ohashi* does not disclose performing a transmission and reception in a traffic channel, as directed to in the present claims. In view of at least the foregoing, it is respectfully submitted that the rejection of Claims 2-5 is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

Independent Claims 1 and 6 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-5, these are likewise believed to be allowable by virtue of their dependence on amended independent Claim 1. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-5 is respectfully requested.

Accordingly, Claims 1-6 are believed to be in condition for allowance. Should the Examiner feel that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/RCC/dr